



NATIONAL COUNCIL OF
AGRICULTURAL EMPLOYERS
ALERT MEMORANDUM

AL 02-08

DATE: February 27, 2008
TO: NCAE Members
SUBJECT: **Publication of 2008 Adverse Effect Wage Rates and Allowable Meal Charges**

2008 Adverse Effect Wage Rates

The U.S. Department of Labor published the 2008 Adverse Effect Wage Rates (AEWRs) in the February 26, 2008 *Federal Register* (p. 10288ff). The 2008 AEWRs and percentage changes from the 2007 rates shown on the accompanying table are the same as those in the advance notice of 2008 AEWRs sent out last fall. *These 2008 AEWRs are applicable to employment in H-2A certified occupations on, and after, February 26, 2008.*

The AgJOBS legislation pending before Congress could result in reduced AEWRs becoming applicable if enacted during 2008. In addition, there are pending U.S. Department of Labor (USDOL) H-2A regulatory amendments that could become effective later in 2008 that could result in changes to AEWRs, including reduced AEWRs for some H-2A employers. Therefore employers would be well advised to include in their 2008 job orders language to the effect that if a higher or lower minimum wage standard applicable to the employment covered by the job order is promulgated during the period of employment covered by the job order, the higher, or at the discretion of the employer, lower, wage standard will apply to employment beginning on the effective date of any such new wage standard. The USDOL permits inclusion of such language in job orders. The inclusion of such language will give employers the flexibility to adjust AEWRs if an opportunity to do so arises later in the year.

Allowable Meal Charges

The *Federal Register* announcement increased the allowable daily charge for employer provided meals to \$9.90 per day. The maximum charge permissible, based on justification of costs submitted in advance by the employer and approved in writing by the USDOL, was increased to \$12.27 per day. Employers are cautioned that meal

charges to workers working under Clearance Orders approved at the 2007 meal charge rate should not be increased unless the Clearance Order contains language stating that the rate may be increased if a higher allowable meal charge is published in the *Federal Register*. Even if such language is included, we advise amending the Clearance Order to reflect the new rate before implementing a change in the rate.

Travel Subsistence Expense

The amount of the travel subsistence expense a worker may claim for subsistence during travel to and from the place of employment at the beginning and the end of the work period, if the worker produces receipts to substantiate the expenses, remains unchanged at a maximum of \$39 per day for a full 24 hour travel day, and to a pro-rated share of that amount based on quarters of travel days. Workers who do not produce receipts must be reimbursed for travel subsistence at least at the maximum daily meal charge rate of \$9.90 per day.

State	2008 AEWRS	% Increase from 2007
AL	8.53	0.2
AK	na	--
AZ	8.70	5.2
AR	8.41	5.0
CA	9.72	5.7
CO	9.42	9.0
CT	9.70	2.1
DE	9.70	4.4
FL	8.82	3.0
GA	8.53	0.2
HI	10.86	5.2
ID	8.74	- 0.2
IL	9.90	0.2
IN	9.90	0.2
IA	10.44	4.9
KS	9.90	3.7
KY	9.13	5.5
LA	8.41	5.0
ME	9.70	2.1
MD	9.70	4.4
MA	9.70	2.1
MI	10.01	3.7
MN	10.01	3.7
MS	8.41	5.0
MO	10.44	4.9
MT	8.74	- 0.2
NE	9.90	3.7
NV	9.42	9.0
NH	9.70	2.1
NJ	9.70	4.4
NM	8.70	5.2
NY	9.70	2.1
NC	8.85	- 1.9
ND	9.90	3.7
OH	9.90	0.2
OK	9.02	4.2
OR	9.94	1.7
PA	9.70	4.4
RI	9.70	2.1
SC	8.53	0.2
SD	9.90	3.7
TN	9.13	5.5
TX	9.02	4.2
UT	9.42	9.0
VT	9.70	2.1

VA	8.85	- 1.9
WA	9.94	1.7
WV	9.13	5.5
WI	10.01	3.7
WY	8.74	- 0.2

Source: *Federal Register* 73:38, p. 10289